

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

NEW HEIGHTS FARM I, LLC, a Michigan
limited liability company; STACY BOERSEN;
NEW HEIGHTS FARM II, LLC, a Michigan
limited liability company; and NICHOLAS
BOERSEN,

Case No. 1:23-cv-663

Plaintiffs,

Hon.: Hala Y. Jarbou

v

GREAT AMERICAN INSURANCE
COMPANY; FEDERAL CROP INSURANCE
CORPORATION; and UNITED STATES
DEPARTMENT OF AGRICULTURE,

Defendants.

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PLAINTIFFS' INITIAL DISCLOSURES

NOW COME Plaintiffs, by and through their attorneys, and make their initial disclosures pursuant to FRCiv.P 26(a) as follows:

1. **Witnesses.** The following is a list of the name and, if currently known, the address and telephone number of persons have information that may be used to support Plaintiffs' claims:

- a. Mrs. Stacy Boersen
c/o Ronald J. VanderVeen
Cunningham Dalman, PC
321 Settlers Road, Holland, MI 49423
616-392-1821

Mrs. Boersen is the sole owner and manager of NHF-I and is familiar with its business operations and insurance claims. She is also familiar with NHF-II's business operations and insurance claims.

- b. Mr. Nicholas Boersen
c/o Ronald J. VanderVeen
Cunningham Dalman, PC
321 Settlers Road, Holland, MI 49423
616-392-1821

Mr. Boersen is the sole owner and manager of NHF-II and is familiar with its business operations and insurance claims.

- c. Mr. William Kushmaul
2711 North Airport Road,
St. Johns, Michigan 48879.

Mr. Kushmaul was NHF-I's and NHF-II's agronomist. He is familiar with their business operations.

- d. Ms. Chris Shellenbarger
c/o Spartan Insurance Agency
Clarksville, MI 48815

Ms. Shellenbarger is the agent who filled out the Plaintiffs' applications for insurance and submitted them to Great American Ins. Co. ("GAIC").

- e. Mr. Ed Logan
c/o Peter Rhoades
11377 James Street
Holland, MI 49424
616.235.3500

Mr. Logan's company, Logan's Agri-Service, is a creditor of NHF-I and NHF-II, assignee of their insurance claims and is familiar with their business operations.

- f. Mr. Craig Eversole
Great American Insurance Co.
c/o Thomas James

Mr. Eversole is the adjuster who failed to determine Plaintiff NHF-I and NHF-II insurance claims.

- g. Mr. David Wilson
Great American Insurance Co.
c/o Thomas James

Mr. Wilson is believed to have verified the insured entity and their Actual Production History

- h. Mr. Andrew Potter
Great American Insurance Co.
c/o Thomas James

Mr. Potter was the field adjuster assigned to Plaintiffs loss. He improperly measured the grain stored in Plaintiffs' storage bins, filed an inaccurate report of the grain and requested records from only those counties with losses.

- i. Mr. Travis Deaters
Address unknown

Mr. Deeters is believed to be the USDA's Risk Management Agency's crop insurance investigator.

- j. Grover Johnson
Maxx Land & Iron
200 E. Campus View Blvd, Suite 200
Columbus, OH 43235
614-753-9697

Mr. Johnson was threatened by the RMA investigator if he did business with Plaintiffs.

- k. Jim Schaendorf
4463 21st St
Dorr, MI 49323
616-281-4446

Mr. Johnson was threatened by the RMA investigator with false allegations relating to Stacy Boersen.

1. Brandon Zick or Nate Kaehler
c/o Ceres Farms, LLC
806 Howard Street, Suite 200
South Bend, IN 46617

Ceres Farms leased about 10,000 acres to NHF-I and NHF-II. They notified Stacy Boersen that they would no longer lease the land to NHF-I and NHF-II purportedly because of their contact from RMA's investigator.

- m. Daniel Grube
c/o AG Resource Management (ARM)
165 Reynolds Avenue, Suite B
Bellefontaine, OH 43311

Mr. Grube was NHF-I's and NHF-II's loan officer with ARM who financed NHF-I and NHF-II with lines of credit in 2019, 2020 and 2021 but refused to finance them in 2022 after being contacted by the RMA investigator.

2. **Documents.** The documents relevant to this case include the exhibits to the Complaint and other documents and electronically stored information in the possession of Plaintiffs, Spartan Ins. Agency, GAIC, the USDA and FCIC. Plaintiffs are not aware of documents or electronically stored information not in these parties' or entities' possession.
3. **Damages.** Plaintiffs' damages have yet to be determined. At a minimum, their 2019 crop insurance claims against GAIC/FCIC are approximately \$1,229,779 for NHF-I and approximately \$1,104,045 for NHF-II.
4. **Insurance.** The only insurance relevant to this case are the 3 policies attached to the Complaint as Exhibits 2, 10, and 11.

CUNNINGHAM DALMAN, P.C.
Attorneys for Plaintiffs

Dated: October 23, 2023

By: /s/ Ronald J. VanderVeen
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